



Barbara Nann/R6/USEPA/US

01/31/2007 10:44 AM

To Kevin Shade/R6/USEPA/US@EPA, Barbara Aldridge/R6/USEPA/US@EPA

cc

bcc

Subject Fw: Items for Discussion Gulfco Call

Attached is the PRPs agenda for tomorrow's call. I reserved the east conference room. The call is at 2:30 so we can attend the all hands meeting. Call in # 21-665-8114.

Barbara A. Nann
Assistant Regional Counsel
EPA Region 6 (6RC-S)
1445 Ross Avenue
Dallas, TX 75202
phone: (214) 665-2157
fax: (214) 665-6460
nann.barbara@epa.gov

----- Forwarded by Barbara Nann/R6/USEPA/US on 01/31/2007 10:43 AM -----



Elizabeth.Webb@tklaw.com

01/31/2007 09:47 AM



To Barbara Nann/R6/USEPA/US@EPA

cc bill.mahley@strasburger.com, Eqibcm@aol.com

Subject Items for Discussion

Barbara,

as we have discussed in the past, the following is a list of issues we would like to follow up on in our call tomorrow:

--Any additional PRPs to name or to send information requests from documents reviewed thus far --
Parker Drilling or others? *Not yet.*

--Status of Casale Documents *on its way both releasable & denied*

-- Status of FOIA 6-RIN-00724-04 -- On our December 7, 2006 call, EPA said they had some more documents to produce under this request. *Continuing to complete review this wk*
Next wk - imaging docs
denial list

Thanks, Liz

Elizabeth Webb
Counsel

Direct line:(512) 469-6147
Facsimile:(512) 482-5032
Thompson & Knight LLP
98 San Jacinto Boulevard
Suite 1900
Austin, TX 78701



857705

Placrock
CEO

quarterly mgmt
review

what is ACS System?

freq + frequent
diagnostics

Paul's - payroll - DEAS -
pay problems take for long

system transition process
printing sur 924

06 Budget for 07

White House
- a regulatory review of agency guidance

Placrock himself will probably be named for that function
man have to run proposed guidance time fed reg process

2-1-07
OP1

CONFIDENTIAL AND PRIVILEGED
SETTLEMENT COMMUNICATION .
SUBJECT TO FED. R. EVID. 408

CONFIDENTIAL

Discussion Point: Did EPA follow-up on this response?

NO

3. Hercules Offshore Corporation/now Parker Drilling Offshore Corporation (The Documents for this agenda item are behind the tab entitled "DOCUMENTS FOR AGENDA ITEM NO. 3")

The attached August 18, 2006 letter to Paul Witthoeft at EPA explains that Parker Drilling Offshore Corporation is the same company as Hercules Offshore Corporation of Texas ["HOC (Texas)"] that formerly leased a portion of the Site from Hercules Marine Services Corporation ("HMSC"). Under a management agreement with HMSC, HOC (Texas) leased a portion of the Site and used it as a base for its offshore operations. HOC (Texas) also stored equipment at the Site. Furthermore, an employee of HOC (Texas), Robert Millis, was listed as the Environmental Manager of the Site on HMSC's Notice of Registration. These are the types of activities and control of site operations that give rise to generator and/or owner/operator liability under CERCLA. On April 1, 1999, HOC (Texas) changed its name to Parker Drilling Offshore Corporation. A copy of the "Articles of Amendment to the Articles of Incorporation" whereby HOC (Texas) changed its name to Parker Drilling Offshore Corporation is attached. So HOC (Texas) and Parker Drilling Offshore Corporation are one and the same company. Therefore, based on its prior lease of the Site and its activities as environmental manager and otherwise, Parker Drilling Offshore Corporation has potential direct CERCLA liability and should be named as a PRP at the Site. A Texas district court, in *Marathon Oil Co. v. Texas City Terminal Ry. Co.*,² concluded that a current tenant undeniably qualified as a potentially responsible party under CERCLA. (See also *Clear Lake Properties v. Rockwell Intern. Corp.*³).

? do we have this lease?

Discussion Point: EPA should name Parker Drilling Offshore Corporation as a PRP.

we are looking again @ Parker

In addition, in Question No. 4 of EPA's information request to Parker Drilling, EPA asked about Parker Drilling's business relationship with parties involved at another site and not the Hercules entities at the Gulfco Site. (See Question No. 4 under Section A. "General Information Concerning Respondent" on page 4 of Parker Drilling's 104(e) Response which is attached hereto for Agenda Item No. 3).

would do a 104e

Discussion Point: EPA should resubmit this question to Parker Drilling Offshore Corporation naming the correct Site entities.

4. Status of Casale Documents

Discussion Point: Discuss when EPA will provide us with copies of the documents from Mr. Casale and/or his former lawyer.

FOIA
privacy act screening

² 164 F. Supp. 2d 914 (S.D.Tex. 2001).

³ 959 F. Supp. 763 (S.D.Tex.1997).